

REMARKS

The Examiner has rejected claims 13 and 14 as being anticipated by Sadowsky. The Examiner states that Sadowsky teaches eyewear with prosthetic parts for small children which comprises frame (30) for holding two lenses (20), the frame is constructed with resilient material, preferably also soft and pliable, col 3 lines 21 and 22., secured to a head by a band (40), said band (40) secured to the frames by two securing pieces (42) including Velcro is used for both securing pieces and the band (40) can be totally removed from the frame and replaced with other similar band. The solid frame means the frame having the interior completely filled up and free from cavity, or not hollow.

Sadowsky claims an adjustable fabric frame that is strapped around the baby's head. Specifically designed nose and temple pieces are incorporated into the frame to provide support for the frame in the baby's face in the absence of the normally supported bone structure of adults, col. 2, lines 12-16.

The frame is either constructed or covered with soft, pliable and resilient material for further adaptation for the contour of the baby's face. col. 2, lines 63-66.

Col. 3, lines 20-21 describe prosthetic appendages 34 and 36. Col. 3, lines 30-39 describe a nose piece 34 that is attached to the upper and lower portions of the rib 32 to form a lower prosthetic member to fill the space between the interior mid portion of the lens

and the nasal surface on the face of the baby. The nose piece is shaped with a convex curvature to fit the typical indentation between a baby's forehead and nose tip. Although not necessarily attached to the lens 20, the nose piece 34 also functions as structural reinforcement to keep the upper and lower portions of the rim 32 tied and hold the lens in place in the groove 38.

Col. 3, lines 40-45 state temple pieces 36 are either formed into or attached to the lateral ends of the rim 32 for similar prosthetic purposes. Each temple piece 36 is shaped with a convex curvature to fill the space between the forehead and the cheek bone (zygomatic bone) on the side of each eye.

The Examiner stated that because the prosthetic pieces (36) are the parts of the frame and integral with frame and extending from the frame. Therefore, the claimed invention does not distinguish over Sadowsky.

First of all, as stated above, Sadowsky describes a fabric frame which is not a solid frame. Even though the nose and temple may be incorporated into the frames, they are structures required for the invention of Sadowsky which are not claimed in the current patent language. (applicant can disclaim these structures for patentability purposes if the Examiner requires). Further, Sadowsky describes that the frame can be covered with this material and therefore, it is separate from the frame itself. Further, at col. 3, the nose piece and

the temple piece are described separately and apart from the frame as further structures which are necessary for the glasses to form around the baby's face. None of these structures are required by the claims of the present invention. For all of these reasons, the above claims are not anticipated or obvious over Sadowsky.

Claims 13 and 15 are rejected under 35 USC 102(b) as being clearly anticipated by Laschober (4,930,885).

Laschober discloses eyeglasses with releasable headband support arrangement comprises one piece solid molded frame (14) for holding two lenses (16), the frame (14) having a nose bridge (18) which fits on top of the user's nose, the frame (14) secured to a head by a band (28), said band (28) secured to the frames by two securing pieces (30), wherein the band (28) is removed from the frame by either or both of the securing means (see figures 1-4 and related disclosure). Laschober discloses the attachment members are easily attachable to and detachable from the connector member of the frames and the headband is easily attachable to and detachable from the attachment members. This allows the wearer to alternate or mix and match headbands and attachment member of different colors, patterns or other motifs (see col. 3, lines 47-60). Laschober also teach that the headband adapted for use with a conventional pair of eyeglasses or sunglasses. (see col. 2, lines 45-48).

Applicant has amended the claims to state that the band is adjustable due to the securing pieces. Laschober describes a

stretchable headband 28 in col. 1, lines 66-67. You would not want a stretchable headband around a baby's head and Laschober is not described for babies and children. Therefore, the above claims are not anticipated or obvious over Laschober.

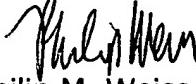
New Claim 23 requires that the color of the lenses matches the color of the bands. Since none of the prior art teaches this, Claim 3 is allowable over the prior art. Claim 24 requires that the lenses are removable. Since none of the prior art teaches this, this claim is allowable over the prior art.

Applicant believes the application is in condition for allowance.

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